

Case Information

1470022 | PEO VS GOSSELIN, JASON ERIC

Case Number

1470022

File Date

02/11/2014

Court

Criminal

Case Type

Converted Criminal

FEL-MISD-INF

Judicial Officer

Steffen, Scott

Case Status

Closed

Party

Plaintiff

THE PEOPLE OF THE STATE OF CALIFORNIA

Defendant

GOSSELIN, JASON ERIC

DOB

XX/XX/XXXX

Inactive Attorneys ▼

Lead Attorney

MEYER, RICHARD,

Esq.

Retained

Work Phone

2095291112

Charge

Charges

GOSSELIN, JASON ERIC

Probation

Type: Informal Probation

Start Date: 04/16/2014

Term: 36 Months

Status

Status	Date	Comment
Active	04/16/2014	Comment: Informal: 36 Month(s) RS1: \$150 Fine: \$750 CAF: \$30 SEC: \$40 EMF: \$4 Defendant Represented by Counsel : Y Total: \$974.0: Enroll and complete the Drinking Driver Program : Level 1

05/07/2015 Amended Sentenced ▼

Amend Reason

PC1203.4a: Conv Set Aside & Dism

001	VC23152(a)-M-DRIVING UNDER INFLUENCE OF ALCOHOL/DRUGS	Sentenced
002	VC23103.5-M-RECKLESS DRIVING WITH ALCOHOL OR DRUGS INVOLVED	Sentenced

Converted Disposition

Subsequent Code: Conv Set Aside & Dism per 1203.4A PC-72

Events and Hearings

12/23/2013 Own Recognizance

<https://portal.stanford.org/jstor/stable/406987/vv01kspacelivode:p-07mdispositionlevonits>

05/12/2014 Electronic Disposition Reporting

10/20/2014 Court Calendar Request

10/22/2014 Probation Hearing ▼

Original Type
Probation Hearing

Hearing Time
8:30 AM

Result
Completed Hearing

12/02/2014 Probation Hearing ▼

Original Type
Probation Hearing

Hearing Time
8:30 AM

Result
Completed Hearing

05/07/2015 Law & Motion ▼

Original Type
Law & Motion

Hearing Time
08:31 AM

Result
Granted

05/07/2015 Conviction Set Aside and Dismissed

10/07/2020 Purge Pending

Financial

No financial information exists for this case.

1 BIRGIT FLADAGER
2 District Attorney
3 Stanislaus County
4 832 12th Street
Suite 300
Modesto, CA 95354
Telephone: (209) 525-5550

5 Attorney for the Plaintiff

FILED

2015 APR 24 AM 11:03

CLERK OF THE SUPERIOR COURT
COUNTY OF STANISLAUS

BY 

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF STANISLAUS

11 -----o0o-----

12 THE PEOPLE OF THE STATE OF CALIFORNIA,) CASE NO.: 1470022

13 Plaintiff,

) PEOPLE'S RESPONSE TO
DEFENDANT'S MOTION FOR
RELIEF PER PC 1203.3 & 1203.4

14 vs.

15 JASON ERIC GOSSELIN,

) Date: May 7, 2015
Time: 8:30 a.m.
Dept: 12

16 Defendant.


17)

18 -----o0o-----

19 Defendant has brought a motion for relief pursuant to Penal Code sections 1203.3 &
20 1203.4. The People do NOT oppose the Defendant's motion; he has completed alcohol
21 rehabilitation successfully, paid all fines and fees, and his conduct is comporting with the law
22 and with his terms of probation.

23 Dated this 24th day of April, 2015, at Modesto, California.

24
25 Respectfully submitted,
BIRGIT FLADAGER

26
27 
W.R. McKenzie
Senior Deputy District Attorney

28 WRM:jpp

1 RICHARD A. MEYER, Esq. SBN# 207183
2 LAW OFFICE OF RICHARD A. MEYER
3 900 G STREET, Suite 300
4 Modesto, California 95354
5 Telephone: (209) 529-1112

6 Attorney for Jason Eric Gosselin

FILED

2015 APR -3 AM 10:48

CLERK OF THE SUPERIOR COURT
COUNTY OF STANISLAUS

BY Agon

DEPUTY

7 SUPERIOR COURT, STATE OF CALIFORNIA

8 COUNTY OF STANISLAUS

9 THE PEOPLE OF THE STATE OF CALIFORNIA,

10 Plaintiff,

11 v.

12 JASON ERIC GOSSELIN

13 Defendant.

) No. 1470022

) NOTICE OF MOTION

) AND MOTION FOR

) MODIFICATION OF

) TERMS OF PROBATION

) PURSUANT TO PENAL

) CODE SECTION 1203.3

) Date: 5/7/15

) Time: 8:30 a.m.

) Dept: 12

14
15
16 TO THE ABOVE-ENTITLED COURT AND THE DISTRICT ATTORNEY OF
17 STANISLAUS COUNTY, STATE OF CALIFORNIA.

18 NOTICE IS HEREBY GIVEN that on May 7, 2015 in Department 12 of
19 the superior court at 8:30 a.m. or as soon thereafter as the matter can be heard, the
20 defendant will move the court for an order granting him an early release from informal probation.

21 This motion is based on the Memorandum of Points and Authorities served and filed in this
22 motion, all pleadings, declarations, records and files herein, and the evidence to be presented at the
23 hearing of this motion.

24 DATED: April 2nd, 2015.

25
26
27
28
RICHARD A. MEYER
Attorney for Defendant

1 RICHARD A. MEYER SBN No. 207183
900 G Street, Suite 300
2 Modesto, California 95354
Telephone: (209) 529-1112

3 Attorney for Jason Eric Gosselin
4
5
6

7 SUPERIOR COURT, STATE OF CALIFORNIA
8 COUNTY OF STANISLAUS
9

10 THE PEOPLE OF THE STATE OF CALIFORNIA,

11 Plaintiff,

12 v.

13 JASON ERIC GOSSELIN

14 Defendant.
15

) No. 1470022
)
)

) **DECLARATION OF**
) **JASON ERIC GOSSELIN**
) **IN SUPPORT OF MOTION TO**
) **MODIFY PROBATION**
) **PURSUANT TO PENAL**
) **CODE 1203.3**
)
)

16 I, Jason Eric Gosselin, declare as follows:
17

18 1. On December 23, 2013, due, in large part, to very stressful divorce proceedings, I
19 exercised poor judgment by consuming more alcohol than I should have at a neighborhood bar and
20 grill, and then attempting to drive to my nearby home. I was stopped by former Modesto City
21 Police Officer Mark McLane for having tinted windows on my personal vehicle. I was asked to,
22 and did, provide breath samples which results were .09/.08. I was cited for a committing a
23 violation of Vehicle Code section 23152. On April 16, 2014, I accepted responsibility for that
24 conduct by pleading no contest to a violation of Vehicle Code section 23103.5/23103. I was placed
25 on informal probation for 3 years. I have a great deal of regret for my lapse in judgment on that
26 occasion.
27

28 2. I have been an active law enforcement officer for over 14 years. In March of 1999, I

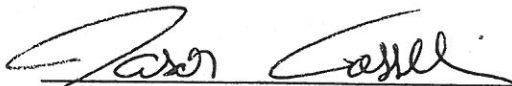
1 became a reserve police officer for the Newman Police Department. After completing my academy
2 training, I was hired on as a full time police officer at the same agency where I remain employed.
3 During my career, I have been assigned as a detective, a school resource officer, and patrol officer.
4 In 2012, I was promoted to the rank of corporal. I have twice been awarded officer of the year, and
5 six times given the MADD DUI award. I value police work greatly, have tremendous respect for the
6 law and the criminal justice system, and intend to continue to serve my community and protect its
7 citizens as a law enforcement officer.

8
9 3. The penalty of the conviction is significantly impacting my career opportunities in law
10 enforcement. I am unable to advance further in my current agency or seek employment in larger
11 agencies with more opportunities for advancement. I believe that if the court grants this motion for
12 early termination of probation and the separate motion to dismiss (PC 1203.4), those opportunities
13 will become available once again.

14
15 4. I have completed all other terms of my probation.

16
17 I declare under penalty of perjury the foregoing is true and correct, except for those things
18 stated on information and belief.

19
20 Executed on this 2nd day of April 2015 at Modesto, California.

21
22 
23 Jason Eric Gosselin

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Richard A. Meyer SBN 207183 900 G Street, Suite 300 Modesto, CA 95354 TELEPHONE NO.: 209-529-1112 FAX NO.: 209-529-1116 E-MAIL ADDRESS: lawofficeofrichardmeyer@gmail.com ATTORNEY FOR (Name): Jason Eric Gosselin	FOR COURT USE ONLY <div style="font-size: 2em; font-weight: bold; margin: 10px 0;">FILED</div> 2015 APR -3 AM 10:44 CLERK OF THE SUPERIOR COURT COUNTY OF STANISLAUS BY <u><i>Agon</i></u> DEPUTY
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT: JASON ERIC GOSSELIN DATE OF BIRTH: Jul 29, 1972	CASE NUMBER: 1470022
PETITION FOR DISMISSAL (Pen. Code, §§ 17(b), 1203.4, 1203.4a, 1203.41)	FOR COURT USE ONLY Date: <u>5-7-15</u> Time: <u>8:30 AM</u> Department: <u>12</u>

1. On (date): April 16, 2014, the petitioner (the defendant in the above-entitled criminal action) was convicted of a violation of the following:

Offense (Specify each offense in the case noted above.)	Code	Section	Type of offense: (Felony; Misdemeanor; Infraction)	Eligible for reduction to misdemeanor under Penal Code § 17(b) (Yes or No)
Wet reckless	Cal. Veh.	23103.5	Misdemeanor	

If additional space is needed for listing offenses, use Attachment to Judicial Council Form (form MC-025).

2. ☒ **Felony or misdemeanor with probation granted (Pen. Code, § 1203.4)**

Probation was granted on the terms and conditions set forth in the docket of the above-entitled court; the petitioner is not serving a sentence for any offense, nor on probation for any offense, nor under charge of commission of any crime, and the petitioner (check all that apply):

- a. ☐ has fulfilled the conditions of probation for the entire period thereof;
- b. ☒ has been discharged from probation prior to the termination of the period thereof;
- c. ☐ should be granted relief in the interests of justice. (Please note: You must explain why granting a dismissal would be in the interests of justice. You may complete and attach the Attached Declaration (form MC-031) or submit other relevant documents.)

3. ☐ **Misdemeanor or infraction with sentence other than probation (Pen. Code, § 1203.4a)**

Probation was not granted; more than one year has elapsed since the date of pronouncement of judgment. The petitioner has complied with the sentence of the court and is not serving a sentence for any offense or under charge of commission of any crime; and the petitioner (check one):

- a. ☐ has lived an honest and upright life since pronouncement of judgment and conformed to and obeyed the laws of the land; or
- b. ☐ should be granted relief in the interests of justice. (Please note: You must explain why granting a dismissal would be in the interests of justice. You may complete and attach the Attached Declaration (form MC-031) or submit other relevant documents.)

4. ☐ **Felony county jail sentence under Penal Code section 1170(h)(5) (Pen. Code, § 1203.41)**

The petitioner is not under supervision under Penal Code section 1170(h)(5)(B) and is not serving a sentence for, on probation for, or charged with the commission of any offense, and should be granted relief in the interests of justice, and (check one:)

- a. ☐ more than one year has elapsed since petitioner completed the felony county jail sentence **with** a period of mandatory supervision imposed under Penal Code section 1170(h)(5)(B); **or**
b. ☐ more than two years have elapsed since petitioner completed the felony county jail sentence **without** a period of mandatory supervision imposed under Penal Code section 1170(h)(5)(A).


(Please note: You must explain why granting a dismissal would be in the interests of justice. You may complete and attach the Attached Declaration (form MC-031) or submit other relevant documents.)

Petitioner requests that the eligible felony offenses listed above be reduced to misdemeanors under Penal Code section 17(b).

Petitioner requests that he/she be permitted to withdraw the plea of guilty, or that the verdict or finding of guilt be set aside and a plea of not guilty be entered and the court dismiss this action under section ☐ 1203.4, ☐ 1203.4a, or ☐ 1203.41 of the Penal Code.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on: 4/2/15
(DATE)


(SIGNATURE OF PETITIONER OR ATTORNEY)

2133 Natchez way
(ADDRESS, PETITIONER)

Modesto CA 95355
(CITY) (STATE) (ZIP CODE)

STANISLAUS COUNTY SUPERIOR COURT
STATE OF CALIFORNIA

FILED

14 FEB 11 PM 3:30

CLERK OF THE SUPERIOR COURT
COUNTY OF STANISLAUS

BY

DEPUTY

THE PEOPLE OF THE STATE OF CALIFORNIA,)

vs.)

JASON ERIC GOSSELIN)

(DOB: 7/29/72))

(CITE))

DEFENDANT(S))

No. 1470022)

State of California)

County of Stanislaus) ss.

COMPLAINT -- CRIMINAL

MPD MP13118407

PAUL KOZINA, OF THE STANISLAUS COUNTY DISTRICT ATTORNEY'S OFFICE, complains and alleges, upon information and belief, that said defendant did commit the following crime in the County of Stanislaus, State of California.

COUNT I: On or about December 23, 2013, defendant(s) did commit a misdemeanor, DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL, violation of Section 23152(a) of the California Vehicle Code, in that the defendant(s) did willfully and unlawfully drive a vehicle while under the influence of an alcoholic beverage.

COUNT II: On or about December 23, 2013, defendant did commit a misdemeanor, DRIVING WITH BLOOD ALCOHOL LEVEL OF 0.08% OR ABOVE, violation of Section 23152(b) of the California Vehicle Code, in that the defendant did willfully and unlawfully drive a vehicle while having 0.08 percent or more, to wit, .09/.08% by weight, of alcohol in his blood.

PAK/DPH/dc

All of which is contrary to law in such cases made and provided, and against the peace and dignity of the People of the State of California.

I certify under penalty of perjury, at Modesto, California, that the foregoing is true and correct.

Dated: 2/10/14

Paul Kozina
Complainant

MODESTO POLICE DEPARTMENT
NOTICE TO APPEAR ☐ Non-Traffic ☒ Traffic

COUNTY OF STANISLAUS

C-1026263

Date of Violation: 12-23-13 Time: 3:30 PM Day of Week: MON Case No: MP13-118407

Name (First, Middle, Last): JASON ERIC GOSSLEN ☐ Owner's Responsibility Veh. Code, § 40001

Address: [REDACTED] City: [REDACTED] State: CA Zip Code: [REDACTED] Phone No.: 209-606-3862

DL #: [REDACTED] State: CA Class: C Commercial: ☐ YES ☒ NO Age: Birth Date: 7-29-72

Sex: M Hair: BRN Eyes: HZL Height: 5-7 Weight: 165 Race: W PLT: 1 2 3 4 5 6 7 8 9 10

Veh. Lic. # and/or VIN: 7BFA141 State: CA ☐ Commercial Vehicle (Veh. Code, § 15210(b)) ☐ Hazardous Material (Veh. Code, § 353)

Yr. of Veh. 13 Make: MISS Model: MAXIMA Body Style: 4D Color: BLUE Registered Owner/Lessee:

Address: ☒ Same as Driver

City: State: Zip Code: ☒ Same as Driver

Evidence of Financial Responsibility: YES

Correctable Violation? (Veh. Code, 40610)	YES	NO	CODE & SECTION:	DESCRIPTION:	MISDEMEANOR OR INFRACTION (CIRCLE):
<input checked="" type="checkbox"/>			23152(a)(1) CVC-DUT		(M) I
<input type="checkbox"/>			*PC 26708(a)(1) CVC-		M I
<input type="checkbox"/>					M I
<input type="checkbox"/>					M I

Speed Approx: P.F./Max Spd: Veh. Lmt: Safe: Radar/Lidar: ☐ Cont. Form Issued?

Location of Violation(s): MANOR OAK DR / WALNUT TREE DR City of Occurrence: Modesto

Comments (Weather, Road & Traffic Conditions): CDL ☐ Accident

☐ Violations not committed in my presence, declared on information and belief. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 12-23-13 Arresting or Issuing Officer: M-MCLANE Emp. Serial No. 11568 Vac. Dates: to

Name of Arresting Officer, if different from Issuing Officer: Emp. Serial No. Vac. Dates: to

WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW:
SIGNATURE: [Signature]

STANISLAUS COUNTY TRAFFIC VIOLATIONS OFFICE (Adult)
2260 FLOYD AVENUE, MODESTO, CALIFORNIA - 8:00 AM & 1 PM MON, TUE - 1 PM WED
JUVENILE TRAFFIC COURT (With PARENT or GUARDIAN)
2215 BLUE GUM, MODESTO, CALIFORNIA - 8:00 AM - WED
ON MISDEMEANOR CHARGES IN SUPERIOR COURT (Adult)
COURTHOUSE 800 11th STREET, MODESTO, CALIFORNIA - 8:15 AM
TO BE NOTIFIED BY JUVENILE PROBATION / DIVERSION

COURT COPY